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Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ETORI HUGHES,

Defendant.

Case No. 2:21-mj-00120-DJA

**ORDER
to Continue the Preliminary
Examination Date and Exclude Time Under
the Speedy Trial Act
(Second Request)**

IT IS HEREBY STIPULATED AND AGREED by and between, Christopher Chiou, Acting United States Attorney, District of Nevada, Christopher Lin, Assistant United States Attorney, representing the United States of America, and Kathryn Newman, of the Federal Public Defender's Office, representing the defendant, that the Preliminary Examination date in the above captioned case, which is currently scheduled for March 19, 2021 at 4:00 P.M., be continued to a date and time convenient for the Court but not later than 30 days.

1. Counsel for the government is currently out of the district and unavailable due a death in his family.

2. The government will provide Rule 16 discovery to defense counsel on or before March 22, 2021. Defense counsel requests time to review the discovery, meet and confer with the defendant, and to discuss possible resolutions or strategies after receiving the discovery.
3. The defendant is detained and does not object to the continuance.
4. The parties agree to the continuance.
5. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing of good cause taking into account the public interest in the prompt disposition of criminal cases. Because the defendant wishes to review discovery with their client prior to the preliminary hearing or indictment, good cause exists to extend the time limits in Rule 5.1(c).
6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interests of the public and the defendant in a speedy trial.
7. The additional time requested by this Stipulation is excludable in computing the time from the filing of the criminal complaint through which the government must assert an criminal Information or seek an Indictment by the Grand Jury pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

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8. This is the parties' second request to continue the date of Preliminary Examination.

DATED this 12th day of March, 2021.

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Susan Cushman for
CHRISTOPHER LIN
Assistant United States Attorney

/s/ Kathryn Newman
Kathryn Newman, Esq.
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) Case No. 2:21-mj-00120-DJA
)
Plaintiff,) **Findings and Order on Stipulation**
)
v.)
)
ETORI HUGHES,)
)
Defendant.)
)

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. Counsel for the government is out of the district and unavailable due to a death in his family.
2. The government will provide Rule 16 discovery to defense counsel on or before March 22, 2021. Defense counsel requests time to review the discovery, meet and confer with the defendant, and to discuss possible resolutions or strategies after receiving the discovery.
3. The parties agree to this continuance.
4. The defendant is detained and does not object to the continuance.
5. This continuance is not sought for purposes of delay.
6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.
7. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United
2 States Code, Section 3161(h)(7)(B)(i) and (iv).

3 8. This is the parties second request to continue the Preliminary Examination.

4 THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the
5 above-captioned matter currently scheduled for March 19, 2021 be vacated and continued to
6 April 19, 2021, at 4:00 p.m., Courtroom 3A.

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8 DATED this 12th day of March, 2021.



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11 HONORABLE DANIEL J. ALBREGTS
12 United States Magistrate Judge
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